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## **St. John poisoning probe leads to Puerto Rican supplier**

By ALDETH LEWIN (Daily News Staff)  
Published: April 17, 2015

### Virgin Islands News

ST. THOMAS - The federal and local investigation into the methyl bromide poisoning of a Delaware family on St. John last month is expanding to other Virgin Islands and Puerto Rican companies.

V.I. Department of Planning and Natural Resources spokesman Jamal Nielsen said Thursday that a "stop use" order has been issued to Oliver Exterminating on St. Thomas and two more companies will be getting similar orders today.

Nielsen declined to name those companies on Thursday because he said the stop use orders still were being drafted.

Environmental Protection Agency spokeswoman Mary Mears said Thursday that the EPA's investigation has led them from the Virgin Islands to a licensed distributor in Puerto Rico. The EPA has contacted the Puerto Rico Department of Agriculture, and the two agencies are working to gather more information about the distribution of methyl bromide in the region.

"Documents suggest that methyl bromide may have been improperly applied at various locations in Puerto Rico," Mears said.

She said the EPA is working closely with the Agency for Toxic Substances and Disease Registry - a division of the Centers for Disease Control - to follow up on any possible health effects from the misuse of the toxic pesticide.

Methyl bromide is an odorless gas that can cause severe and debilitating injury to people exposed to it.

It was banned for most uses decades ago, but it was not banned completely and legally can be used in certain agricultural applications. It is not supposed to be used in or around residential areas or people.

Preliminary symptoms of low level exposure include fatigue, headaches, dizziness, weakness and confusion.

"In severe cases, exposure can cause central nervous system and respiratory system damage. Pesticides can be very toxic, and it is critically important that restricted-use pesticides be used only as approved by EPA," Mears said.

The Delaware family that was exposed to methyl bromide - Stephen Esmond, Theresa Devine and their two teenage sons, Sean and Ryan - had rented Villa Capri at Sirenusa Condominium Resort on St. John from March 14 through March 22.

On March 20, the family was admitted to Schneider Hospital with symptoms of methyl bromide poisoning. Over the course of a few days, all four were airlifted to stateside hospitals for continued treatment.

A joint investigation by DPNR and the EPA found that on March 18, two days before the family was hospitalized, Terminix treated the unit below the one in which they were staying. Terminix told investigators they were treating for powder post beetles, an insect that eats wood.

DPNR has issued two stop use orders to Terminix, one for each district, to stop using any product containing methyl bromide and to quarantine any of the chemical that may be in the company's possession.

The U.S. Justice Department has launched a criminal investigation into the use of the pesticide at Sirenusa, according to documents filed with the Securities and Exchange Commission.

At a press conference April 8, Gov. Kenneth Mapp indicated that the joint investigation had found at least two other Virgin Islands pest control companies in possession of methyl bromide.

The next day, DPNR issued a stop use order to Oliver Exterminating on St. Thomas. Investigators found three empty canisters of Meth-O-Gas Q, which contains methyl bromide.

Oliver Exterminating's owner told DPNR officials that he used the chemical to treat furniture that was going into a shipping container.

The company's records show that the product was purchased in May 2013 and again in June 2014 from M&P Pest Control, according to the DPNR order.

Oliver Exterminating's owner refused to sign the stop use order, a fact that was noted on the document.

According to the order, he must stop using the chemical and quarantine any remaining methyl bromide.

Sen. Almando Liburd said he is working to draft legislation to ban methyl bromide from

the territory completely. If someone wished to have it, and could prove that it was going to be used for the approved uses, a waiver could be obtained, according to his draft legislation.

Liburd, who is the territory's At-large senator and is from St. John, said he was holding off on submitting the proposed legislation until the EPA and DPNR investigation is complete and he has all the information available.

"A schedule was developed for its total phase-out except under very specific circumstances," Liburd said in a written statement issued Thursday. "Why is a toxic chemical primarily utilized to fumigate soil for large-scale commercial strawberry farming being used in a residential setting? Why should we even allow the importation of this deadly poison when there does not seem to be an acceptable local use?"

Liburd said he is concerned about people working at hotels who may have had contact with methyl bromide and not known it.

"There are people who may have been repeatedly exposed over the years," Liburd said.

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## **EPA: Pesticide that sickened Delaware family also used improperly in Puerto Rico**

Posted: Friday, April 17, 2015, 1:08 AM

Philadelphia Inquirer

The federal investigation into the improper use of a pesticide that apparently poisoned a Delaware family vacationing in the U.S. Virgin Islands has expanded west to another Caribbean island, Puerto Rico.

The Environmental Protection Agency reported Thursday that there was evidence that the pesticide, methyl bromide, had been used improperly "at various locations" in Puerto Rico. However, officials were unable to further characterize the settings - whether they were residences, resorts, or other locations.

"I can just tell you that we're looking at potential illegal applications, so it wouldn't be an agricultural use. It's instances where it should not be applied," said Judith Enck, EPA administrator for the region that includes the Virgin Islands and Puerto Rico.

The latest discovery was made after the agency determined that the pesticide used in the Virgin Islands - in more than one instance and location, officials have discovered - came from two licensed distributors in Puerto Rico. The EPA then notified the Puerto Rico Department of Agriculture, which sent inspectors to pesticide-application companies, including Terminix, identified as the company that sprayed the chemical in the condominium on the island of St. John where the Delaware family was staying.

"Once we confirmed that the methyl bromide came from two licensed distributors in Puerto Rico, the next logical question was, we know it's been used in the Virgin Islands, do we know it's been used in Puerto Rico? So we expanded our investigation," Enck said.

Local and federal officials are fanning out, inspecting pest-control companies on the island, she said. "We can talk to business owners, we can request records, we certainly can determine if they have canisters on site," she said.

"Indeed, we found evidence it was used improperly in Puerto Rico at various locations," Enck said.

Enck also said her agency was working with authorities in Puerto Rico to determine if any injuries or illnesses had been reported that would suggest exposure to methyl bromide. "We certainly are not aware of anything similar to what we've learned about in the Virgin Islands," she said.

Stephen Esmond, an administrator at the Tatnall School in Wilmington; his wife, Theresa Devine, a dentist; and their two teenage sons, who attend Tatnall, became seriously ill two days after methyl bromide was sprayed in a condominium under the one in which they were staying. On March 20, paramedics were called to the condo, where they found Esmond unconscious and the three other family members having seizures. The family initially was treated in the Virgin Islands and then airlifted closer to home.

An update on their conditions was not available Thursday evening, but a spokesman for the family reported a week ago that while Devine had been released from the hospital, the others were still hospitalized and the boys were still in comas.

The pesticide, a neurotoxin, has been banned in many countries. The United States allows certain agricultural uses, but since 1984 it has not been legal to apply it in residential settings.

Enck said that the only permissible use in Puerto Rico involved fumigating crates of

commodities that come into its ports. Only two companies, which she did not name, are authorized to use it for these quarantine settings.

"So if you're not one of those two, and you've got methyl bromide on site, that's going to be a question," she said.

On Tuesday, the Puerto Rico Department of Agriculture issued a legal order requiring all certified pesticide applicators to inform the department 36 hours in advance of any spraying and get department approval before continuing with the spraying.

Enck called it "a good order that will help with the situation."

The U.S. Department of Justice has begun a criminal investigation into the incident.

Virgin Islands newspapers have reported that other companies on the two other islands of the territory, St. Thomas and St. Croix, had stocks of the pesticide. The governor of the U.S. Virgin Islands, Kenneth Mapp, said at a news conference this month that he would not reveal the names of the additional companies that possessed or used the pesticide until a final report was issued, according to the Virgin Islands Daily News.

Read more at

[http://www.philly.com/philly/health/20150417 EPA Pesticide that sickened Delaware family also](http://www.philly.com/philly/health/20150417_EPA_Pesticide_that_sickened_Delaware_family_also)

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## **Pesticide that sickened Wilmington family in Caribbean used in Puerto Rico too**

By Amy Cherry 12:59pm, April 18, 2015 - Updated 11:41pm, April 18, 2015

WDEL 101.7FM Radio (Delaware)

(audio clip available at: <http://www.wdel.com/story.php?id=67625>)

Steve Esmond, the father of the family sickened in the U.S. Virgin Islands. Esmond is an administrator at Tatnall School/Courtesy the Tatnall School website

A pesticide that sickened a Wilmington family on one U.S. Caribbean island has been used elsewhere as well.

The toxic chemical, methyl bromide, that sickened head of Tatnall Middle School Stephen Esmond and his family at a luxury resort in the Virgin Islands, has also been used improperly at various locations Puerto Rico, according to a new Environmental Protection Agency report.

The report didn't say whether those locations were residences or resorts.

The pesticide used at the Sirenusa resort on St. John came from two licensed dealers in Puerto Rico, which caused the federal government to probe whether it's being used elsewhere. The Department of Justice is also investigating the pesticide's use.

Freelance environmental journalist Sandy Bauers said the chemical is banned in many countries with some exceptions.

"Mostly that is agricultural exceptions, I believe it's used on strawberries in California. In Puerto Rico, it's used to fumigate cargo coming into the country that might contain insects," she said

She said resorts in warmer climates may use it because they have most pests than tourists want to be around.

"There is more pressure among the tourists there; we go there, and we say, 'We don't want the pests, so we're putting pressure on these places to spray, I think, in a very subtle way,' she said.

Methyl bromide was banned from indoor use in 1984.

Contact Amy Cherry at [acherry@wdel.com](mailto:acherry@wdel.com) or follow her on Twitter at [@acherry13](https://twitter.com/acherry13).

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### **Pesticide that poisoned family on Caribbean vacation and left two sons in critical condition also found in Puerto Rico**

- ***Methyl Bromide was improperly used in U.S. Virgin Islands resort that family was staying in when they were poisoned***
- ***Steve Esmond, his wife Theresa Divine and their two teenage sons fell seriously ill while staying at the Sirenusa Resort in St. John***
- ***U.S. Environmental Protection Agency said the toxic pesticide may have been improperly applied in locations in Puerto Rico as well***
- ***EPA regional administrator Judith Enck said she is not aware of anyone sickened by the pesticide in Puerto Rico***

By Kelly McLaughlin For Dailymail.com and Associated Press

Published: 16:45 EST, 16 April 2015 | Updated: 04:40 EST, 17 April 2015

The Daily Mail (UK)

photos of victims at: <http://www.dailymail.co.uk/news/article-3042648/Pesticide-hurt-4-Virgin-Islands-Puerto-Rico.html>

The toxic pesticide that poisoned a U.S. family on vacation in the Virgin Islands has also been improperly used in Puerto Rico, the U.S. Environmental Protection Agency said Thursday after a federal investigation.

Officials said documents suggest methyl bromide may have been improperly applied in various locations in Puerto Rico.

EPA regional administrator Judith Enck said the agency and Puerto Rico's Department of Agriculture are investigating where and when the pesticide was used and how much was applied.

Steve Esmond (pictured) and his wife, Dr Theresa Devine, and their two teenage sons fell seriously ill during their stay at the Sirenusa Condominium Resort on the island of St. John

The toxic pesticide that poisoned the family has been found in various locations in Puerto Rico, the U.S. Environmental Protection Agency said Thursday

Steve Esmond (left) and his wife, Dr Theresa Devine (right), and their two teenage sons fell seriously ill during their stay at a resort on the island of St. John. The toxic pesticide that poisoned the family has been found in various locations in Puerto Rico, the U.S. Environmental Protection Agency said Thursday

'The EPA is taking this very seriously,' she said in a phone interview. 'I can't tell you how widespread this is... We're very early in our investigation.'

Sean, 16, (pictured) and his 14-year-old brother Ryan remain in comas two weeks after being hospitalized due to being poisoned by methyl bromide

Sean, 16, (pictured) and his 14-year-old brother Ryan remain in comas two weeks after being hospitalized due to being poisoned by methyl bromide

Enck said she is not aware of anyone sickened by methyl bromide in Puerto Rico. The EPA banned the chemical for residential use in 1984, primarily for health concerns.

Nancy Feliciano, agriculture department spokeswoman, said Puerto Rico officials would comment soon.

The chemical sickened a family of four from Wilmington, Delaware, last month in the U.S. Virgin Islands.

Two teenage boys went into comas after being exposed at the Sirenusa Condominium Resort in Cruz Bay, St. John.

The Esmond family was staying in the second floor of a unit whose first floor was sprayed with the pesticide to eradicate an indoor beetle that eats wood, officials have said.

Steve Esmond and his wife, Dr Theresa Devine, and their two teenage sons fell seriously ill during their stay.

They began having seizures and were airlifted to separate hospitals in Philadelphia suffering major respiratory trauma. Sean, 16, and Ryan, 14, were in critical condition.

Family attorney and spokesman James Maron did not respond to messages for comment.

He said in a statement last week that the boys remained in critical condition while their mother had been discharged and their father was recuperating.

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## **Scathing IG Report Urges EPA to Take Over Some VI Programs**

April 19, 2015

By Aldeth Lewin

Virgin Islands News

A scathing audit released Friday by the Environmental Protection Agency's Office of the Inspector General has found that the territory's mismanagement of EPA programs endanger public health and the environment.

Additionally, the inadequacy of the territory's financial management system has caused it to miss out on almost \$37 million in grant funding that would have been available to the USVI during the last decade.

The audit report made the recommendation that the EPA take control over several programs that have been administered by the local government.

"The USVI has not met program requirements for numerous activities related to



implementing the Clean Air Act, Clean Water Act, Safe Drinking Water Act and Underground Storage Tank/Leaking Underground Storage Tank programs," the auditors stated. "These activities included monitoring environmental conditions, conducting compliance inspections and enforcing program requirements. Management control weaknesses contributed to these shortcomings."

Federal law allows the EPA to authorize states, territories and tribal and local governments to handle the permitting, inspection and enforcement of a number of federal programs. The local government must have the staff and resources to conduct the management of the programs, and in return, the federal agency provides grant funding to the local government to manage the EPA programs.

The most recent performance partnership grant covers fiscal years 2014 and 2015 and provides the Virgin Islands with as much as \$4,632,096, or more than 82 percent of the approved budget, to implement these programs, the audit report said.

#### Clean Water Act

One of the programs the local government - through the V.I. Department of Planning and Natural Resources - is responsible for is the management of the Clean Water Act.

The USVI gets \$1.1 million a year from the EPA for water-quality monitoring, permits and enforcement.

"However, DPNR failed to comply with water quality workplan commitments because they failed to collect ambient samples in 11 of 25 quarters between FY 2007 and the first quarter of FY 2013," the report said.

Even when DPNR did collect samples, they did not collect all the samples they were supposed to.

In 2010, the EPA placed DPNR on a corrective action plan, which was revised again in 2012. The federal agency wanted to declare the local program non-compliant, but that would have meant a loss of funding, so they provided "in-kind" assistance instead.

"In our view, the DPNR program is non-compliant," the report said.

The audit also found deficiencies with the permitting program - the Territorial Pollutant Discharge Elimination System permits.

More than 90 percent of the facilities with pollution discharge permits were in noncompliance during the last six years, the report said. Even when DPNR identified violations, no enforcement actions were taken, the report said.

#### Safe Drinking Water Act

While in the territory, EPA auditors found water quality concerns at the V.I. Water and Power Authority.

"We received information about problems with low residual chlorine, high turbidity and water color that may present human health risks," the report said.

WAPA has consistently maintained that the water discoloration is not a health issue and is harmless.

When auditors reported the concerns to EPA Region 2 administrators in March 2014, some sampling and tests were done. However, the tests did not look for bacteria or metals - which may be why the water is yellow or brown in areas of St. Thomas.

Of the 15 samples taken, turbidity exceeded the recommended level in eight; the chlorine amount did not meet recommendations for eight samples and was not present at all for one; and color anomalies were identified in eight of the samples.

In May 2014, WAPA provided EPA with a corrective action plan and a bacterial test that showed eight of the 10 test sites showed levels of total coliform or fecal coliform bacteria in the water. EPA Region 2 was satisfied with WAPA's corrective action plan, but the EPA's Inspector General's Office still was concerned because the historical data provided did not include bacterial testing.

Neither Region 2 nor the water utility collected repeat bacteria samples to determine adherence to Safe Drinking Water Act regulations, according to the report.

"As a result, the EPA, the water utility and the public do not know whether the bacteria results indicate a serious human health risk in the drinking water system on St. Thomas," the report said.

## Clean Air Act

The territory gets EPA funding to monitor air quality. As part of the performance review, the auditors found that DPNR had numerous operational and maintenance issues that resulted in periods of incomplete air-monitoring - or none at all.

The territory has not met the minimum 75 percent data collection requirement for any of the air-quality monitors since 2010, according to the audit findings.

## Underground Storage Tanks

Regarding the Underground Storage Tanks inspection program, auditors found that the USVI could not locate and provide inspection reports for eight of the 44 underground storage tank facilities in the territory between FY 2011 and FY 2013.

Of 36 facilities that had reports, 32 of the reports were incomplete, missing either signatures, reporting information or supporting documentation.

## Findings

The Inspector General said the audit recommends withdrawing approval for the Clean Water Act program and issuing a notice of deficiency for the Clean Air Act operating permits program.

The territory's financial state means that DPNR lacks equipment, staff and resources needed to properly participate in the federal monitoring, permitting and enforcement programs.

"Since the EPA retains the responsibility for ensuring that USVI federal environmental programs are implemented and enforced, EPA Region 2 needs to take appropriate actions to ensure that environmental programs that continue to be delegated to USVI are properly implemented and the public and environment protected," the report said.

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